bility, according to one view, was whether or not the opinion was expressed upon the exact question which the jury was required to decide. If it was, the evidence was inadmissible. *Yost* v. *Conroy,* 92 Ind. 464. The principal case affirms this rule and there is authority for the decision in *Lehman* v. *Knott* (Ore., 1921), 196 Pac. 476, and in *Pointer* v. *Klamath Falls Land Co.,* 59 Ore. 438, Ann. Cas. 1913C, 1076. The reason of the rule is that such opinions usurp the functions of the jury. The court observed that if the jury believed the testimony of the witness and had confidence in his judgment then nothing remained for it to do except to determine what the amount of the damages should be. Where the only practicable method of making proof of the fact in issue is by means of opinion evidence, it is doubtful whether the Oregon court would adhere to the doctrine of the principal case. See *Lehman* v. *Knott, supra.* Many cases have held that opinion evidence may be given upon the very issue. *American Agricultural Chemical Society* v. *Hogan,* 213 Fed. 416; *Cook* v. *Doud Sons & Co.,* 147 Wis. 271; *Poole* v. *Dean,* 152 Mass. 589; *Taylor* v. *Kidd,* 72 Wash. 18. See also 20 MICH. L. REV. 360.

INNKEEPERS—LIABILITY TO ONE WHO RESORTS TO INN FOR UNLAWFUL PURPOSE.—Plaintiff on invitation of a guest was going to the latter's room at defendant's inn to play cards for money. The elevator was in a dark place and the door to the shaft was open while the carriage was on another floor. For injuries received from stepping through the door and falling nine or ten feet down the shaft plaintiff sued defendant innkeeper. *Held,* that one entering an inn for an unlawful purpose is not an invitee, but a mere trespasser to whom the innkeeper owes no duty except not to wilfully or wantonly injure him. *Jones* v. *Bland* (N. C., 1921), 108 S. E. 344.

It has been held that an innkeeper is not liable as such for money deposited with the night clerk by one who took a room at the inn for the night for an unlawful purpose. *Curtis* v. *Murphy,* 63 Wis. 4. The instant case extends this rule to one invited to the inn by a guest, not as to the loss of money or property, as to which defendant would of course not be an innkeeper even if the purpose of the visit were lawful, but as to the care owed such an invitee for his personal safety, as to which the innkeeper's liability does not differ from that to a guest. It would seem that a guest, or his invitee, becomes a trespasser when he enters the inn for any unlawful purpose. The recent case of *Newcomb Hotel Co.* v. *Corbett* (Ga. App., 1921), 108 S. E. 309, puts a proper limit on the innkeeper in holding that he acts at his peril in entering a room occupied by one registered as a guest in order to determine whether the occupant is there for a lawful purpose.

INSURANCE—DEATH BY SUNSTROKE IS ACCIDENTAL.—Plaintiff sued as beneficiary under a policy of insurance issued by defendant company to the plaintiff's deceased husband, insuring him against "loss resulting from bodily injuries effected directly, exclusively and independently of all other causes, through accidental means." The insured was overcome by sunstroke while